



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
PO Box 085

TRENTON, NJ 08625-0085

TELEPHONE (609) 984-6500

DAVID SAMSON
Attorney General

PETER C. HARVEY
*First Asst. Attorney General
Director*

March 12, 2002

To: ALL COUNTY PROSECUTORS

**Re: Declaration of Statewide Water Emergency
- Executive Order No. 11**

Dear Prosecutors:

On March 4, 2002, Governor James E. McGreevey signed Executive Order No. 11 declaring a statewide water emergency. The Order takes effect immediately and shall remain in effect until superseded by another Order. The Executive Order empowered the Commissioner of Environmental Protection, the Water Emergency Task Force and the Drought Coordinator to take whatever steps necessary to alleviate the water emergency and to effectuate the Executive Order.

On March 11, 2002, Bradley M. Campbell, Commissioner, Department of Environmental Protection, pursuant to the authority vested in him, entered Administrative Order No. 2002-05 which explains in detail the mandatory restrictions placed on water consumption. Mandatory restrictions have been enacted concerning bans pertaining to various activities, including watering of lawns and other vegetation, washing of cars and other vehicles, washing of streets and other paved areas, serving of water in restaurants or clubs, flushing of sewers, use of fire hydrants and outdoor use of water for recreational or ornamental purposes. In addition, the Administrative Order bans open burning and suspends existing open burning permits.

Violations of the Governor's Executive Order and DEP's Administrative Order can lead to prosecution in municipal court. The applicable disorderly person's offense to be charged is a violation of N.J.S.A. App. A:9-49 which makes it a disorderly person's offense to violate the provisions of the Disaster Control Act, N.J.S.A. App. A:9-30, et seq., including any Order, rule or regulation adopted by Governor and promulgated under said Act. The penalty for such violations may not exceed a term of imprisonment of six months or a fine of \$1,000 or both.

Criminal enforcement of violations under the Disaster Control Act rests with the municipal police officers in each municipality. The Department of Environmental Protection and this Office recommend that first-time offenders initially be provided with a warning which should be documented in some police record. Discretion regarding criminal enforcement of the Act, however, remains with the police officer. Any civil enforcement of violations of the executive and administrative order will be handled by deputy attorneys general from the Division of Law.

While full distribution of the executive and administrative orders was made through the statewide Office of Emergency Management, I am again providing you with copies of these orders. You may direct any questions regarding law enforcement action to Senior Deputy Attorney General Charles Grinnell, Acting Chief, Prosecutors and Police Bureau. SDAG Grinnell can be reached at (609) 984-2814. He will handle the coordination of legal advice to be given to law enforcement agencies after consultation with officials from DEP. Informational questions from members of the public can be directed to DEP's drought website at www.njdrought.org, or to the Hotline established by DEP at 1-800-4-ITS-DRY (488-7379), which is available Monday through Friday from 9 a.m. to 5 p.m.

Your cooperation in this matter is most appreciated.

Very truly yours,

Peter C. Harvey
First Assistant Attorney General
Director, Division of Criminal Justice

cc: David Samson, Attorney General
Bradley M. Campbell, Commissioner, DEP
Dennis Hart, Drought Administrator, DEP
Joseph Santiago, Superintendent, N.J.S.P.
Captain Kevin Hayden, OEM, N.J.S.P.
Douglas Wolfson, Director, Division of Law
Lawrence M. O'Reilly, Assistant Attorney General, OAG